

State Water Resources Control Board

Division of Drinking Water

August 29, 2014
Certified Mail/Return
7009 1680 0001 3113 3797

Hank Apodaca's Water System
PO Box 1329
Willows, CA 95988

RE: Hank Apodaca's Water System, Public Water System No. 1100159 – Citation No. 21-14C-009 for July 2014, Exceedance of the Bacteriological Maximum Contaminant Level

Dear Hank Apodaca,

Enclosed is a citation issued to Hank Apodaca's Water System (System). The citation is being issued because the System failed to comply with the drinking water standard for total coliform bacteria during July 2014. Please be aware that the Directives section of the citation contains required actions that must be taken by the System.

Note that Section 116577 of the California Safe Drinking Water Act provides for the Division to be reimbursed by the public water system for costs incurred for preparing and issuing a citation to that system. In accordance with Section 116577, the System will be billed for the preparation and issuance of this citation. The current reimbursement rate is approximately \$128 per hour. The estimated time to prepare this citation is one hour.

If you have any questions regarding this matter, please call Ray Bruun at (530) 224-3252 or me at (530) 224-4861.

Sincerely,



Reese B. Crenshaw, P.E.
Valley District Engineer
Drinking Water Field Operations Branch

Enclosures

1 Citation No. 21-14C-009

2
3 STATE OF CALIFORNIA
4 WATER RESOURCES CONTROL BOARD
5 DIVISION OF DRINKING WATER
6

7 **Public Water System:** Hank Apodaca's Water System

8 **Water System No.:** 1100159
9

10 **To:** Hank Apodaca's Water System

11 Attn: Hank Apodaca, Owner
12 PO Box 1329
13 Willows, CA 95988
14

15 **Issued:** August 29, 2014

16 VIA CERTIFIED MAIL
17

18 CITATION FOR NONCOMPLIANCE
19 With Title 22 California Code of Regulations
20 Section 64426.1(b)
21

22 Section 116650 of the California Health and Safety Code (CHSC) authorizes the
23 issuance of a citation for failure to comply with a requirement of the California Safe
24 Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with
25 Section 116270), or any regulation, standard, permit, or order issued thereunder.
26

27 The State Water Resources Control Board (hereinafter "Board"), acting by and
28 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director

1 for the Division, hereby issues a citation to Hank Apodaca's Water System (System)
2 for failure to comply with Section 64426.1(b), Title 22, of the California Code of
3 Regulations (CCR).

4
5 **APPLICABLE AUTHORITIES**

6 Section 116650 of the CHSC states:

7
8 *(a) If the department determines that a public water system is in*
9 *violation of this chapter or any regulation, permit, standard, citation,*
10 *or order issued or adopted thereunder, the department may issue a*
11 *citation to the public water system. The citation shall be served*
12 *upon the public water system personally or by certified mail. Service*
13 *shall be deemed effective as of the date of personal service or the*
14 *date of receipt of the certified mail. If a person to whom a citation is*
15 *directed refuses to accept delivery of the certified mail, the date of*
16 *service shall be deemed to be the date of mailing.*

17
18 *(b) Each citation shall be in writing and shall describe the nature of the*
19 *violation or violations, including a reference to the statutory*
20 *provision, standard, order, citation, permit, or regulation alleged to*
21 *have been violated.*

22
23 *(c) A citation may specify a date for elimination or correction of the*
24 *condition constituting the violation.*

25
26 *(d) A citation may include the assessment of a penalty as specified in*
27 *subdivision (e).*

1
2 (e) The department may assess a penalty in an amount not to exceed
3 one thousand dollars (\$1,000) per day for each day that a violation
4 occurred, and for each day that a violation continues to occur. A
5 separate penalty may be assessed for each violation.
6

7 Section 64426.1(b), Title 22, of the CCR states:
8

9 (b) A public water system is in violation of the total coliform MCL
10 [maximum contaminant level] when any of the following
11 occurs:
12

13 (1) For a public water system which collects at least 40
14 samples per month, more than 5.0 percent of the
15 samples collected during any month are total coliform-
16 positive; or
17

18 (2) For a public water system which collects fewer than
19 40 samples per month, more than one sample
20 collected during any month is total coliform-positive; or
21

22 (3) Any repeat sample is fecal coliform-positive or *E. coli*-
23 positive; or
24

25 (4) Any repeat sample following a fecal coliform-positive
26 or *E. coli*-positive routine sample is total coliform-
27 positive.

STATEMENT OF FACTS

The System is classified as a nontransient noncommunity water system serving approximately 25 employees in addition to restaurant and hotel customers. In accordance with Section 64423 of Title 22, the System is required to collect one routine bacteriological sample per month, unless there was a positive bacteriological sample the previous month, in which case, five routine bacteriological samples are required. On July 16, 2014, the System collected one routine sample from the distribution system, which contained total coliform bacteria. Four repeat samples were collected on July 23, 2014. One of the four repeat samples showed the presence of total coliform bacteria. The cause of the contamination was attributed to a leak on the pipe leaving the pressure tank. The leak was fixed. Follow up sampling (five routine samples collected on August 18, 2014) resulted in no total coliform being detected. The problem appears to be resolved. No sample discussed herein was positive for E. coli.

DETERMINATIONS

The Division has determined that the System violated Section 64426.1(b)(2), Title 22, of the CCR, in that the System exceeded the total coliform MCL during the month of July 2014.

DIRECTIVES

The System is hereby directed to take the following actions:

1. Comply with Section 64426.1, Title 22, of the CCR in all future monitoring periods.

1 2. **Within 30 days** of the issuance of this Citation, notify all persons served by
2 the System of the MCL violation as required by Section 64463.4 and Section
3 64465, Title 22, of the CCR. Notification shall be completed in accordance
4 with each of the following:

5
6 (A) Posting in conspicuous locations throughout the area served by the
7 water system.

8
9 3. Changes and/or modifications to Attachment 'A' shall be not be made unless
10 approved by the Division.

11
12 4. Complete and return Attachment 'B' "Certification of Completion of Public
13 Notification" form **within 10 days** of giving public notice. A copy of the notice
14 used to provide public notification shall be attached to the form.

1 The completed and signed copy of Attachment 'B' shall be submitted to the following
2 address:

3
4 Reese B. Crenshaw, P. E.

5 Valley District Engineer

6 Drinking Water Field Operations

7 Division of Drinking Water

8 State Water Resources Control Board

9 364 Knollcrest Drive, Suite 101

10 Redding, CA 96002

11 (530) 224-4800
12

13 Nothing in this Citation relieves the System of its obligation to meet the requirements
14 of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe
15 Drinking Water Act), or any regulation, permit, standard or order issued or adopted
16 thereunder.

17
18 The Division reserves the right to make such modifications to this Citation, as it may
19 deem necessary to protect public health and safety. Such modifications may be
20 issued as amendments to this Citation and shall be effective upon issuance.

21
22 **FURTHER ENFORCEMENT ACTION**

23 The California SDWA authorizes the Board to: issue citation with assessment of
24 administrative penalties to a public water system for violation or continued violation
25 of the requirements of the California SDWA or any permit, regulation, permit or order

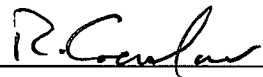
1 issued or adopted thereunder including, but not limited to, failure to correct a
2 violation identified in a citation or compliance order. The California SDWA also
3 authorizes the Board to take action to suspend or revoke a permit that has been
4 issued to a public water system if the system has violated applicable law or
5 regulations or has failed to comply with an order of the Board; and to petition the
6 superior court to take various enforcement measures against a public water system
7 that has failed to comply with violates an order of the Board. The Board does not
8 waive any further enforcement action by issuance of this citation.

10 **PARTIES BOUND**

11 This Citation shall apply to and be binding upon the System, its officers, directors,
12 agents, employees, contractors, successors, and assignees.

14 **SEVERABILITY**

15 The directives of this Citation are severable, and Hank Apodaca's Water System
16 shall comply with each and every provision thereof notwithstanding the effectiveness
17 of any other provision.

21 

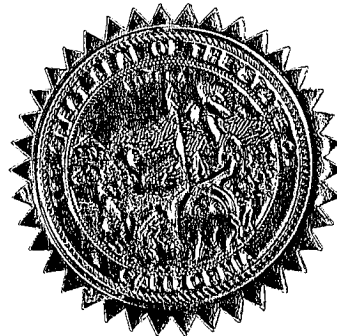
22 Reese B. Crenshaw, P.E., District Engineer
23 Valley District
24 Drinking Water Field Operations Branch

8/29/14

Date

26 **Attachments:**

- 27 'A' Public Notification Template
- 28 'B' Certification of Completion
- 29



IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

Hank Apodaca's Water System Had Levels of Coliform Bacteria Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took five (5) samples to test for the presence of coliform bacteria during July 2014. Two (2) samples out of the five (5) total samples showed the presence of total coliform bacteria. The standard is that no more than one (1) sample per month may do so.

What should I do?

- You do not need to boil your water or take other corrective actions.
- This is not an emergency. If it had been, you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*
- Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present.
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from U.S. EPA's Safe Drinking Water Hotline at 1(800) 426-4791.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What was done?

The origin of the detected total coliform organisms is thought to be from a leaking pipe. The leaking pipe has been fixed. Five (5) follow-up samples collected on August 18, 2014 did not contain total coliform organisms. The problem appears to be resolved.

Attachment A

For more information, please contact Roger Kumar, at (530) 934-4603.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by the Hank Apodaca's Water System Water System.

State Water System ID#: 1100159. Date distributed: _____.

CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

This form, when completed and returned to the Division of Drinking Water (364 Knollcrest Drive, Suite 101, Redding, CA 96002 or fax to 530-224-4844), serves as certification that public notification to water users was completed as required by the California Water Quality and Monitoring Regulations. Completing public notification and providing the Division with certification is important. Failure to do so will result in additional hourly time charges to your water utility and may result in a formal enforcement action with monetary penalties.

Public Water System Name Hank Apodaca's Water System

Public Water System No. 1100159

Public notification for the January 2014 bacteriological failure was performed by the following method(s):

(CHECK AND COMPLETE ONLY THOSE THAT APPLY)

_____ The notice was published in the local newspaper on _____. A copy of the newspaper notice is attached.

_____ The notice was mailed to users on _____. A copy of the notice is attached.

_____ The notice hand delivered to water customers on _____. A copy of the notice is attached.

_____ The attached notice was posted in the following conspicuous places:

For this method, provide the date (or dates) that the notice was posted _____.

I hereby certify that the above information is factual.

Printed Name

Signature

Date